

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Criminal Action No.
	)	10-00343-01-CR-W-DW
LEONARD V. JENKINS,	)	
	)	
Defendant.	)	

**MEMORANDUM OF MATTERS DISCUSSED AND  
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on July 20, 2011. Defendant Jenkins appeared in person and with appointed counsel Ronna Holloman-Hughes. The United States of America appeared by Assistant United States Attorneys Teresa Moore and Ryan Hershberger.

***I. BACKGROUND***

On February 9, 2011, a superseding indictment was returned charging Defendant with one count of unlawfully delaying, destroying or opening of mail by a postal service employee, in violation of 18 U.S.C. § 1703(a), and one count of unlawfully delaying, destroying or opening of mail by a postal service employee, in violation of 18 U.S.C. § 1703(b).

The following matters were discussed and action taken during the pretrial conference:

***II. TRIAL COUNSEL***

Ms. Moore announced that she and Mr. Hershberger will be the trial counsel for the government. The case agent to be seated at counsel table is Jeff Cooper, Inspector, Office of the

Inspector General, Postal Service.

Ms. Holloman-Hughes announced that she will be the trial counsel for Defendant Jenkins. Allen Bush, investigator, will be present.

### ***III. OUTSTANDING MOTIONS***

The following motions are currently pending:

- Motion in Limine Based on FRE 609 to Prohibit Use of Criminal History for Impeachment Purposes (Doc. No. 23), *filed* May 17, 2011;
- Motion in Limine Regarding Self-Serving Hearsay (Doc. No. 30), *filed* June 3, 2011;
- Motion in Limine to Exclude Evidence of Employee Evaluations (Doc. No. 31), *filed* June 3, 2011;
- Motion to Exclude Lay Witness Testimony (Doc. No. 44), *filed* June 16, 2011; and
- Motion to Exclude Video Evidence (Doc. No. 47), *filed* June 16, 2011.

### ***IV. TRIAL WITNESSES***

Ms. Moore announced that the government intends to call ten witnesses without stipulations.

Ms. Holloman-Hughes announced that Defendant Jenkins intends to call four to five witnesses during the trial. Defendant may testify.

### ***V. TRIAL EXHIBITS***

Ms. Moore announced that the government will offer approximately eighteen exhibits in evidence during the trial.

Ms. Holloman-Hughes announced that Defendant Jenkins will offer approximately five exhibits in evidence during the trial.

***VI. DEFENSES***

Ms. Holloman-Hughes announced that Defendant Jenkins will rely on the defense of general denial.

***VII. POSSIBLE DISPOSITION***

Ms. Holloman-Hughes stated this case is definitely for trial.

***VIII. STIPULATIONS***

Stipulations are not appropriate in this case.

***IX. TRIAL TIME***

Counsel were in agreement that this case will take three days to try.

***X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS***

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed December 16, 2010, counsel for each party file and serve a list of exhibits he/she intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by July 20, 2011;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, July 27, 2011;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions<sup>1</sup> by or before noon, Wednesday, July 27, 2011. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

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<sup>1</sup>Counsel in all cases assigned to be tried before Chief Judge Fernando Gaitan, Jr., as reflected in the trial letter, shall meet and prepare a packet of agreed proposed jury instructions to be submitted to Judge Gaitan and e-mailed to marylynn\_shawver@mow.uscourts.gov and rhonda\_enss@mow.uscourts.gov by July 29, 2011. To the extent there are disagreements to certain instructions, each attorney shall tab and submit his or her preference on those instructions. The instructions shall be listed in the order they are to be given.

***XI. UNUSUAL QUESTIONS OF LAW***

No additional motions in limine are anticipated. There are no unusual questions of law.

***XII. TRIAL SETTING***

All counsel and Defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on August 1, 2011.

/s/ Robert E. Larsen  
ROBERT E. LARSEN  
United States Magistrate Judge

Kansas City, Missouri  
July 20, 2011

cc: Mr. Kevin Lyon